

Roger Chalmers

From: Roger Chalmers
Sent: Tuesday, December 05, 2017 10:25 AM
To: 'James Dunlap'
Subject: RE: Aaron v. Berry

Jim,

As I requested below, it would be helpful if you would identify what you contend is a trade secret in the application materials that you submitted to DCH. It is my view and understanding that the materials so submitted plainly qualify as a public record, and you have not identified trade secrets within the materials. Moreover, when submitted your applications did not identify any information contained within them as trade secrets and did not request protection of any material within the applications as trade secrets. Please specify what you contend are the trade secrets and provide the authority you contend will support your motion. I will consider and assess any information and authority you provide.

Roger



Roger Chalmers
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From: James Dunlap [<mailto:jim@jamesdunlaplaw.com>]
Sent: Tuesday, December 05, 2017 9:22 AM
To: Roger Chalmers
Subject: Re: Aaron v. Berry

The fact that Aaron Private Clinic Professionals, P.C. has submitted an application for an NTP for a proposed clinic in Catoosa County and details if it's application are confidential trade secrets. It's not a party. What's the relevance? I would contend that you can't go posting non-party confidential information in the public domain. Do I need to file a motion? I will seek attorney's fees if have to.

Thanks. Jim.

On Dec 5, 2017, at 8:57 AM, Roger Chalmers <rchalmers@law.ga.gov> wrote:

Jim,

Please specify the confidential information or trade secrets to which you refer. The only materials filed with the court are public records, having been submitted as an application for a license or permit. If you have information otherwise please let me know. Roger

<image001.jpg>

<image002.png> <image003.png> <image004.jpg>

Roger Chalmers

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From: James Dunlap [<mailto:jim@jamesdunlaplaw.com>]

Sent: Tuesday, December 05, 2017 8:34 AM

To: Roger Chalmers

Subject: Aaron v. Berry

Roger--

I received your Response to Motion for Injunction Pending Appeal. In it, you disclose confidential information related to the NTP of non-party Aaron Private Clinic Professionals, Inc. This is not the Plaintiff in our case. I would ask that you take steps to withdraw it as this amounts to a disclosure of confidential information and trade secrets of Aaron Private Clinic Professionals, Inc. Please advise. Thank you. Jim

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Roger Chalmers

From: Roger Chalmers
Sent: Thursday, December 07, 2017 11:03 AM
To: 'James Dunlap'
Subject: RE: Aaron v. Berry

Jim: I will do the same with respect to 41-3 as it appears the same address appears in that application. Roger



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From: Roger Chalmers
Sent: Thursday, December 07, 2017 11:00 AM
To: 'James Dunlap'
Subject: RE: Aaron v. Berry

Jim,

If the address shown at ECF 41-4 p. 20/57 is a home address (which was not apparent or known to me) then it should have been redacted. I note that you did not redact this information when filing the application with DCH in the first instance. Nonetheless, I have contacted the court clerk who indicated the redaction of the home address can occur in the following way now: (1) they will at this time make the entirety of document 41-4 available to attorneys only in the case; (2) I will still need to file a motion to seal explaining why that document is being so sealed; (3) I can then file a notice of filing with the same document but with the home address which appears twice at that same page redacted. I will take care of this right away. Dr. Cornwell's name and license number are public information available on the internet, and further I do not agree with the remainder of your position as stated below. If you would like to discuss please give me a call. Regards, Roger



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From: James Dunlap [<mailto:jim@jamesdunlaplaw.com>]
Sent: Thursday, December 07, 2017 9:50 AM
To: Roger Chalmers
Subject: Aaron v. Berry

Roger--

One more time, your filing makes a false statement that Aaron Private Clinic Management LLC has applied for two NTP licenses. This is patently false. Also, your supporting Declaration is false in this regard. Finally, to be more specific about private, confidential non-party information you've disclosed without notice. Doc. 41-4, p. 51 (confidential rental terms with landlord), p. 20-21 (confidential identification, home address, license numbers of a physician). I would submit to you that the private information of the physician alone violates the local rule about disclosing personal information. I'm filing my Reply and Motion to Strike under FRCP 12(f) at close business today unless I hear otherwise from you. Thank you. Jim

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Roger Chalmers

From: James Dunlap <jim@jamesdunlaplaw.com>
Sent: Thursday, December 07, 2017 11:34 AM
To: Roger Chalmers
Subject: Re: Aaron v. Berry

I think that is his home address. Sealing is acceptable. But I would see all the attachments. 41-1 through 41-5. I'm going to ask the Judge do that if you won't.

Thanks. Jim.

On Dec 7, 2017, at 11:00 AM, Roger Chalmers <rchalmers@law.ga.gov> wrote:

Jim,

If the address shown at ECF 41-4 p. 20/57 is a home address (which was not apparent or known to me) then it should have been redacted. I note that you did not redact this information when filing the application with DCH in the first instance. Nonetheless, I have contacted the court clerk who indicated the redaction of the home address can occur in the following way now: (1) they will at this time make the entirety of document 41-4 available to attorneys only in the case; (2) I will still need to file a motion to seal explaining why that document is being so sealed; (3) I can then file a notice of filing with the same document but with the home address which appears twice at that same page redacted. I will take care of this right away. Dr. Cornwell's name and license number are public information available on the internet, and further I do not agree with the remainder of your position as stated below. If you would like to discuss please give me a call. Regards, Roger

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From: James Dunlap [<mailto:jim@jamesdunlaplaw.com>]
Sent: Thursday, December 07, 2017 9:50 AM
To: Roger Chalmers
Subject: Aaron v. Berry

Roger--

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information of the physician alone violates the local rule about disclosing personal information. I'm filing my Reply and Motion to Strike under FRCP 12(f) at close business today unless I hear otherwise from you. Thank you. Jim

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Roger Chalmers

From: Roger Chalmers
Sent: Monday, December 11, 2017 11:21 AM
To: 'James Dunlap'
Subject: RE: Aaron v. Berry

Jim,

Previously I indicated my position and it has not changed. Further, you already filed a motion to strike to which I have responded. Your proposed motion again inaccurately attributes to me the statement I have "done nothing wrong." If you file your motion you should not continue to attribute to me by quotation statements which I have not made. You and I have exchanged several email communications wherein I have asked that you identify the confidential trade secrets or other confidential information you contend is contained in the materials filed with the court. You have not identified any such confidential information. The lease to which you refer was part of a narcotic treatment program licensure application which as you know is a public record. Moreover, you have not identified any term or information within the lease which constitutes a trade secret. And there also is nothing within the application you submitted that indicates the presence of trade secrets or any attempt by you to protect trade secrets from disclosure. If I have overlooked such an effort by you to protect trade secrets when the application was filed please let me know. The only other information you have identified as confidential are the identification and license number of the physician, and as I have mentioned in our email correspondence that information is readily available by internet search and so is not confidential.

Your real complaint appears to be that the information here is not relevant or not pertinent to the claims, issues, or defenses before the court. I disagree with that contention. In any event, that is not a basis for sealing from public view information that is presented to the court for consideration in ruling on a matter. I will not move to seal the material on file with the court based on the information you have provided. If you have more information to provide in this regard please let me know. Regards,

Roger



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From: James Dunlap [<mailto:jim@jamesdunlaplaw.com>]
Sent: Sunday, December 10, 2017 3:26 PM
To: Roger Chalmers
Subject: Aaron v. Berry

Roger--

Since you're unwilling to seal Docs. 43-1 and 43-2, I'm filing a new Motion for Protective Order to seal these documents tomorrow. I'm attaching the draft motion and draft declaration identifying the confidential information and trade secrets. Please move to seal before noon tomorrow. I will be adding a request for attorney's fees and costs for having to file the motion. Thanks. Jim

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